EXHIBIT C

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,638	01/23/2004	Shridhar P. Joshi	47079-00225USP1	7736

70243 7590 07/23/2009

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EXAMINER	
HYLINSKI, STEVEN J	
ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
07/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

1. In the after-final request for reconsideration, Applicant discusses how he believes that Glavich's bonus game in and of itself can not be considered a special payout outcome. Applicant is directed again to page 2 of the Final Office Action mailed 04/21/2009. Under bullet point #2, Examiner explicitly defines what aspect of Glavich Examiner is interpreting as the special payout outcome. Examiner states here that, "a bonus game pick ***resulting in a win*** can be interpreted as a special-payout outcome." Clearly, Examiner is not attempting to characterize the pick-matrix bonus game itself as a special-payout outcome. Examiner equates only a winning pick in the bonus game, as being a special-payout outcome. The claims as-presented, do not disallow this interpretation. Applicants' arguments that misconstrue Examiner's interpretation of Glavich's special-payout outcome, are therefore moot.

2. Applicant presents a claim element-by-claim element comparison to illustrate Applicants' belief that the side wager in Glavich affects a bonus game, and not a basic game, and therefore could not meet the limitations of the independent claims. However, Examiner points out that although the claims of the instant invention are described in terms of a "basic game", the claims do not make any distinction between this "basic game" and some "bonus game" beyond the basic game. In other words, the claims do not preclude a basic game from including a bonus game, or in the case of Glavich, from being a combination of a base and bonus game that are functionally tied together. Lacking any clear distinction between the "basic game" of the instant application, and any other combination of base and/or bonus games, Examiner is interpreting the combination of Glavich's base and bonus game triggered from the base game, as a

"basic game" overall. Glavich's bonus game, in one embodiment, is necessarily tied to the wager made in the base game, and therefore separating Glavich's bonus game from the base game would destroy its functionality. Interpreting the overall base and bonus game functionality as one basic game is therefore further reasonable. The base and bonus games of Glavich, together, anticipate all of the limitations of the "basic game" of the instant application, and in view of the above-mentioned lack of an explicit definition of why a basic game could not include an embedded bonus game, Examiner maintains that Glavich anticipates the claim limitations in the same manner called out in the Final Office Action of 04/21/2009. All further allegations of Applicant based on attempting to distinguish Glavich's bonus game features from being included in a "basic game", are therefore moot.

3. Regarding argument A, and in light of the fact that Examiner is considering the base and bonus games of Glavich, together, as meeting the limitations of a "basic game", Glavich's randomly associating only certain picks with wins for the bonus game pick matrix, meets the limitation of the basic game having random outcomes selected independently of the player selection.

4. Regarding arguments B, C and D, as discussed above and explicitly mentioned in the Response to Arguments in the Final Office Action mailed 04/21/2009, Examiner is not interpreting the bonus game of Glavich itself as an outcome. Instead, Examiner is interpreting each pick in the pick matrix of Glavich's bonus game, as an outcome (and the special-payout outcome is a pick in the pick matrix that guarantees a payout to the

player, as discussed above). Examiner maintains all rejections related to these arguments, as set forth in the Final Office Action of 04/21/2009.

5. Regarding Argument E, Examiner maintains that one of ordinary skill in the art, at the time the invention was made, would recognize that varying the types of "monetary prizes" associated with wins in Glavich's bonus game, within those types of monetary prizes that are old and well-known in the art of casino gaming including progressively-funded monetary prizes, would produce no new or unexpected results. Formulating a 35 U.S.C. 103(a) rejection requires ascertaining what the level of one of ordinary skill in the art is. Furthermore, one of ordinary skill in the art is not devoid of ordinary creativity in the art. One of ordinary skill in the art would readily be able to fund Glavich's monetary prizes from a progressive source, and find that doing so would not elevate such a combination above the realm of obviousness.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/763,638	**Applicant(s)** JOSHI ET AL.	
	Examiner STEVEN J. HYLINSKI	**Art Unit** 3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires *3* months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet for analysis of the arguments presented by Applicant.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714